

**FILED**

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

MAR 23 2010



CLERK

UNITED STATES OF AMERICA, ) CR. 09-50055-01  
Plaintiff, )  
vs. ) ORDER DENYING  
CHARLES ANAYA, ) DEFENDANT'S FIRST MOTION  
Defendant. ) FOR DISCOVERY [DOCKET 35]

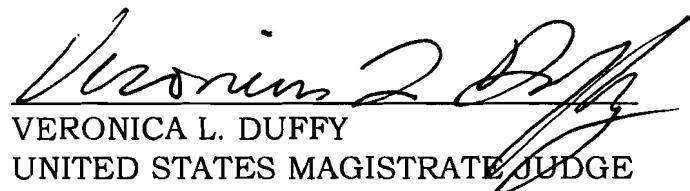
Defendant Charles Anaya moved the court for an order directing the government to disclose various materials pursuant to FED. R. CRIM. P. 16 and Brady v. Maryland, 373 U.S. 83 (1963). [Docket 35]. The court ordered the government to provide to the court a copy of any handwritten notes made by federal agents during a polygraph examination of Mr. Anaya for *in camera* review. [Docket 40].

Upon review of the notes provided to the Court by the government, the court finds there are no material differences between the handwritten notes and the typewritten summary previously provided to Mr. Anaya and attached to Docket 37. Accordingly, the court hereby

ORDERS that Mr. Anaya's first motion for discovery [Docket 35] is denied. Production of the handwritten notes by the government is not required.

Dated March 23, 2010.

BY THE COURT:

  
VERONICA L. DUFFY  
UNITED STATES MAGISTRATE JUDGE